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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,657

07/18/2003

Antonio Bovo

7368 US

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30078

7590

10/09/2008

MATTHEW D. RABDAU

TEKTRONIX, INC.

14150 S.W. KARL BRAUN DRIVE

P.O. BOX 500 (50-LAW)

BEAVERTON, OR 97077-0001

EXAMINER

GEE, JASON KAI YIN

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/622,657	<b>Applicant(s)</b> BOVO ET AL.	
	<b>Examiner</b> JASON K. GEE	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



***DETAILED ACTION***

1. This action is response to communication: appeal brief filed on 07/31/2008 with acknowledgement of priority date of 07/19/2003.
2. Claims 1-14 are currently pending in this application. Claims 1 and 8 are independent claims.
3. No new IDS has been received since the previous Office Action.

***Appeal***

4. In view of the Appeal Brief filed on 07/31/2007, PROSECUTION IS HEREBY REOPENED. New Grounds of Rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

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/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434

***Response to Arguments***

5. Applicant's arguments filed in the appeal brief submitted on 07/31/2008 have been fully considered but are moot in view of new ground(s) of rejection

Although the same references are applied, the deciphered data providing device for providing the deciphered data at an output for protocol analysis (cited in the independent claims) is being interpreted as another device within the Takagi reference. Further, the rejection clarifies the devices more specifically in the updated rejection.

***Claim Rejections - 35 USC § 112***

6. The previous 112 rejections have been withdrawn in response to applicants' clear arguments.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4, 6, 7, 8-11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi US Patent Application Publication 2001/0047474 (hereinafter '474), and in view of Malek US Patent No. 4,920,567 (hereinafter '567).

As per claim 1, Takagi teaches a system for communication monitoring in a mobile radio network (mobile radio network as shown in Figure 1, also in paragraph 38) comprising: a processing device coupled to multiple links in the mobile radio network (Figure 1, processing device gateways 401, 402, 403), the processing device (i) determining from data transferred via the multiple links current deciphering parameters (paragraphs 18 and 74, wherein gateways manage SA information); (ii) deciphering the data using the current deciphering parameters to produce deciphered data (paragraph 18 and 90, wherein information is decrypted by utilizing the information regarding the SA); a deciphering parameter providing device coupled to the processing device, in which the current deciphering parameters are filed by the processing device to be available for another processing device upon request (deciphering parameter providing device is the security server 601 in paragraph 98, which provides the SA information; this information is filed by another processing device as shown in paragraphs 101 and 102, wherein a gateway provides another gateway the security information to carry out a handoff); a deciphered data providing device coupled to the processing device for providing the deciphered data at an output for protocol analysis or procedure trace to be performed on deciphered data (IP input unit 1423, paragraph 91-93, wherein the unit judges that packets are to be relayed by utilizing the TCP connection as long as TCP is

used). The processing device and the deciphering parameter providing device are distributed over different locations and are coupled together by a communication link, as can be seen in Figure 1.

However, at the time of the invention, Takagi does not explicitly teach an output device separated from a gateway/processing device which is connected by a communication link. Takagi though teaches all the processes taught by the claims, but just a different environment. As already seen in Takagi, the processing device and the deciphering parameter providing device are distributed over different locations and are coupled together by a communication link, as seen in Figure 1. However, the deciphered data providing device and the processing device are coupled together by a communication link such that the deciphered data providing device is within the processing device at the same location. It would have been obvious to one of ordinary skill in the art to separate a deciphered data providing device and a processing device such that they are located in separate locations connected by a communications link. As already seen in Takagi, the deciphering parameter providing device is already set up in this manner. In accordance with KSR, it would have been obvious to modify Takagi such that the processing device and the deciphered data providing devices are in different locations, because Takagi teaches all the claimed processes being claimed; the environment is just slightly different.

To supplement Takagi, Malek teaches that a deciphered data providing device may be in a separate location than a processing device, such that they are connected by a communication link (Figure 2, wherein a remote interface forwards manipulated

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data to a PSTN (connected by a communication link), which forwards it to a gateway.

This also teaches that the data sent from remote interface 206 may be decrypted (col. 7 lines 55-65).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of '474 with '567, as they are both directed toward secure communication in a mobile radio network. One of ordinary skill in the art would have been motivated to separate the output unit from the deciphering unit as to allow physical components to be more specialized, so as to be only dedicated to one process.

As per claim 2, the claim recites wherein the communication link comprises one selected form the group consisting of a local area network and a wide area network. '474 teaches that the processor is connected to the deciphering parameter providing device through a network. The combination with '567 would teach that a output device would be connected in a similar manner. It would be inherent that if a communication link coupling devices together uses a network, (such as is taught in '474), it would be picked from a LAN and a WAN, as these two categories comprise all networks.

As per claim 3, '474 teaches wherein the processing means deciphers data on first ones of the multiple links using an additional deciphering parameter extracted from the data (paragraph 89 teaches that the packet deciphers data using a key and also an algorithm, which is extracted from the data); the data being in the form of packet data units (paragraph 89), the additional deciphering parameter being a set of parameters obtained from a subscriber data base entity (paragraphs 48-57), from the data flow of the connection (paragraph 89, Figure 1), and from each packet data unit as the



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sequence number of the packet data units (paragraph 89, where it teaches the packet has selector values; also paragraph 49-50).

As per claim 4, '567 teaches wherein the data includes both unciphered and ciphered data (col. 7 lines 50-65) and the processing device comprises: means for deciphering the ciphered data according to the current deciphering parameters (paragraph 90 of '474; col. 7 lines 55-65 in '567); and means for combining the unciphered data and the deciphered ciphered data to produce an ordered data flow as the deciphered data ('567 col. 7 lines 55-66).

As per claim 6, '474 teaches wherein the processing device comprises a memory coupled to the deciphering parameter providing device for storing deciphering parameters provided by the deciphering parameter providing device (paragraph 82).

As per claim 7, '474 teaches wherein the processing device comprises a plurality of processors operating in parallel with the deciphering parameter providing device and deciphered data providing device, the number of processors being sufficient to cover all the multiple links at a server switching entity (Figure 1, with plurality of processing devices 401, 402, and 403).

Claims 8, 9, 10, 11, 13, and 14 are rejected using the same basis of arguments used to reject claims 1, 2, 3, 4, 6, and 7, respectively. Also, as per claim 8, performing protocol analysis, or procedure trace on the deciphered data is taught in paragraph 91 of '474.

9. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over '474 and '567 as applied above, and further in view of Low et al. US Patent No. 6,959,346 (hereinafter '346).

As per claim 5, the '474 combination does not explicitly teach delaying unciphered data while the deciphering means deciphers the ciphered data so the deciphered data is in the ordered data flow with the unciphered data. However, Low '346 teaches this in col. 6 lines 37-57, wherein information that is not decrypted remains and waits in the combiner, and the signal is combined with deciphered data once it is determined that the two sets of data correspond to each other.

At the time of the invention, it would have been obvious to combine the teachings of '346 with the '474 combination. One of ordinary skill in the art would have been motivated to perform such an addition to provide flexibility to the system, as taught in col. 3 lines 53-56 of '346.

Claim 12 is rejected using the same basis of arguments used to reject claim 5 above.

### ***Conclusion***

10. Applicant's amendment submitted on 05/21/2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. GEE whose telephone number is (571)272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Gee  
Patent Examiner  
Technology Center 2400  
10/06/2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434